

# Human remains in museum collections and their restitution to the communities: Museum of La Plata – Argentina

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## Abstract

*The intention of this article is to reflect on the challenges that museums face when collections include the human remains of indigenous communities. To debate the topic, the Museum of La Plata is used as an example. Part of the collection concerns the final stage of the "Conquest of the Desert" epoch in which the army caught the last chiefs and a group of indigenous – elders, women and children – who still were resisting the offensive in Junín of the Andes. The museum held captive the living aborigines for their study until September 1894.*

*In Argentina, the first claims to the authorities of the university museum of La Plata were registered by the mid 80s. To date, the museum has repatriated the remains of a Tehuelche chief (1994) and a Ranquel chief (2001) to their communities.*

*The problem of the repatriation of human remains, as well as the cultural objects associated with them, is an attempt to allow these diverse aboriginal communities to manage their own cultural inheritance in the manner that they deem most appropriate. Bringing ethical principles into play, they recover their cultural identity. It also addresses the bases upon which the anthropologic science constructed its 'object of study': the appropriation of fragments of the human reality to investigate and display them in exhibitions and museums. However, the demands by the different indigenous communities for the return of their ancestors are increasing. This has caused a division in the scientific community with some agreeing in the matter of repatriation, while others see the remains as belonging to the museums and that if they are repatriated they will then be lost to scientific research.*

## Problems of restitution

Museums whose collections include human remains from ancient communities are confronted with multiple challenges. How are they to reconcile past cultural policies with the lawful rights of the descendants of those communities? How can museums resolve these social responsibilities? Do museums have the duty to retribute remains when claims are made by descendents and owners of primitive cultures?

There are over 350 million indigenous people throughout the world. In some cases they still keep their ancient nomadic ways of life or continue to organize as tribal societies. In the case of Argentina, these minority populations amount to less than 5% (GARCÍA CANCLINI & MONETA 1999).

Nowadays, there is a clear tendency in the Americas to comply with the restitution requests concerning sacred cultural objects and human remains belonging to indigenous peoples, regardless of whether those objects or remains are unique or rare. Thus, we are facing regulatory changes in collections management.

Museum directors in our region know that not every piece in their collection is identical in terms of restitution principles. Human relics and remains elicit moral and religious considerations that make them different from any other object.

This article focuses on the collections of the Natural Sciences Museum of La Plata, and the changes in its exhibition policy for material of this nature.



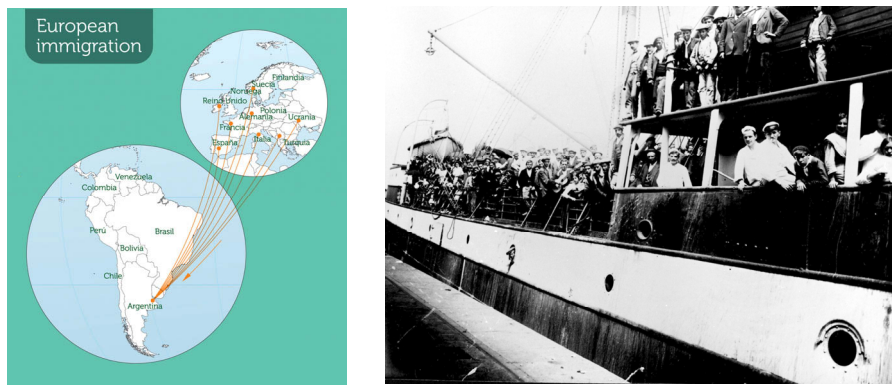


Fig. 5-6 - Immigration in Argentina. Photo: Album presented to President Victorino de la Plaza – ex Museo de la Casa Rosada. Map: Pixéfalo

Learning about these events, Moreno searched for the Indian chief Inacayal and his family, and took them to the museum (1886). The total number of live indigenous people added to the museum's 'heritage' was twelve. Some of them returned to their lands once they agreed to change

their identities. Inacayal refused to do so and remained a prisoner. He was photographed, studied, used as a servant, and displayed before the curious, both local and foreign. Soon afterwards, his wife and daughter died. Unable to live without a clan or community, in the following year Inacayal reportedly took his own life. The museum kept the live Indians captive in order to study them until September 1894, when the last of them, the young Yamana Maish Kenzis, died. His remains were in a showcase for over a century. Not just in Argentina, but also all over the world, science was struggling to understand the origin of man, and it was thought that this might be the way to do it.



Fig. 7 - Inacayal and his family. Photo: AGN

In 1875, in Nancy, France, the meetings of the International Americanist Congress started. The aim was to contribute to the advancement of ethnographic, linguistic and historical studies pertaining to the Americas, especially regarding the times prior to Columbus, and to facilitate contact among people interested in these studies.

Moreno's project envisioned a museum that would explain, through exhibition, the evolution or physical and moral history of 'the Argentine man' (MORENO 1890-91).

The museum inventory published in 1910 shows that it owned 5,581 objects, including skeletons, skulls, scalps, brains, death masks, loose bones, and stuffed bodies. A great part of it comes from the Moreno's founding collections as well as from items gathered during expeditions conducted by the museum itself, and by the work of other scientists, explorers, and amateurs. It was customary to exchange with foreign institutions the objects obtained during such explorations. The exchange also included selling indigenous human remains to European museums and research institutes.

### The exhibition and its changes through time

By 1927, the museum showed an ostensible change in its exhibition message by referring to this heritage as "native heroes who defended the homeland of the Pampas" (TORRE 1927). The central showcase featured the human remains of cacique Inacayal and his wife Margarita, as representatives of the ancient lords of the Pampas.

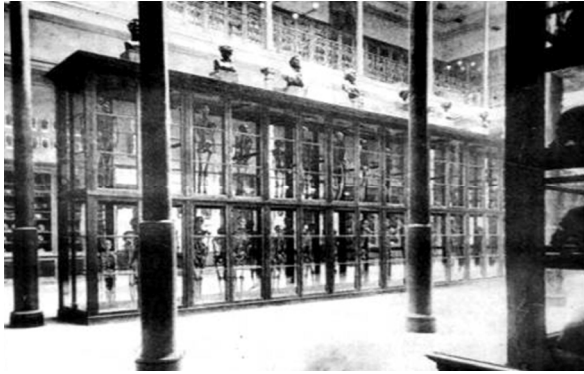


Fig. 8 - Anthropology department 1891. Photo: Museo Magazine 1, 1890-91, picture VII by F. Moreno

The person responsible for such change was the German anthropologist Robert Lehmann-Nitsche, who, in the aftermath of World War I played an active role in the anti-republican movements of some German groups living in Argentina, through multiple organizations in Buenos Aires supporting the Kaiser and the Empire. These movements glorified warriors' bravery and patriotic courage. Lehmann-Nitsche was also in touch with the German and European academia, as well as with several German scientists living on the American continent.

Another major institutional change took place in the 1940s, when fewer objects were exhibited. Until then, especially in Paris and London, exhibitions were massive but explanations were scarce. Thus, between 1884 and 1940, rooms crowded with the largest possible numbers of items were the norm. The dual function of the rooms, which served both as repositories and exhibition areas, made it necessary to attach showcases and cabinets to the wall, and often occupying the central floor areas as well. This type of furniture, which usually featured displays behind glass on the upper part and for storage blind areas with shelves and large drawers. In the second half of the last century museums started to provide more information to visitors about the importance and significance of less crowded objects.

In 2005, the Museum of La Plata started to remove human remains from permanent exhibitions, in line with a radical change in the institution's vision.



Fig. 9 - The Museum of La Plata today. Imitations of human remains. Photo: Collection of the Museum of La Plata

### The claims

In the 1960s, the Society for American Archaeology (SAA) drafted its first code. Before then information about past people and past ways contained within artifacts or obtained from them tended to be lost once the items became included in the archaeological record. This was because cataloguing, describing, and creating timelines based on the artifacts were the only data permanently recorded. The new code of the 1960s contained four generic statements that emphasized archaeological practice with a patrimonial vision. The culture-historical phase of archaeology came to an end. This change had its genesis in 1958 with a new archaeological theory: the 'processual archaeology' or 'new archaeology'. This new vision stated that "American archaeology is anthropology or it is nothing" (PHILLIPS & WILLEY 1958, 2). The scientific method became rigorous and it was possible to learn something about the life of the people who used the artifacts. This idea implied that the goals of archaeology were, in fact, the goals of anthropology, that is, to answer questions about humans and human society.

Restitution claims became public in the 70s, in several places worldwide (SERBIN 1980). North American and Australian communities originally led the way, but the turning point in the concept of the culturalistic archaeology that influenced the management and intervention of cultural assets over the 20<sup>th</sup> century developed almost thirty years later, in the Code of Ethics debated and sanctioned by the



2<sup>nd</sup> World Archaeological Congress, held in Barquisimeto, Venezuela, in 1990. Its principles acknowledge the importance of the fact that indigenous cultural assets belong to the indigenous communities. Also, native methods of interpretation, care, management and protection of their cultural property are both acknowledged and accepted.

The 1991 National Museum of the American Indian Act and the Native American Graves Protection and Repatriation Act (NAGPRA)<sup>2</sup> demanded significant changes in policy. In compliance with the former: "most of the national museum collections were moved to a new museum run by a committee of indigenous peoples"<sup>3</sup>. NAGPRA applies to human remains and objects of cultural importance discovered after November 16<sup>th</sup>, 1990 but not to those found on private land. The act was passed after a long campaign carried out by indigenous spiritual leaders and organizations followed by *The Longest Walk*, a demonstration that set off from San Francisco and arrived in Washington to petition President Carter.

In Argentina, it was only in April 1994 that the remains of Inacayal were taken to the Tecka valley, amidst protocol ceremonies, indigenous rituals and political speeches at every stop. Restitution of the remains of Ranquel Indian chief Mariano Rosas, alias Panghitruz, took place in 2001. Every restitution called for a specific, exclusive law to be passed so that return was possible and legal. In June 2010 the bone remains of a man and a young woman on display in one of the museum rooms since 1896 were returned to the ACHÉ community of Paraguay. The young woman, called Damiana, was buried during a special ceremony held in Paraguay.



Fig. 10–11 - Ceremonial act of restitution of Mariano Rosas' remains and Mariano Rosas' burial, Leuvucó, La Pampa, Argentina, 2002. Photos: Página 12 Newspaper (1); [luisroldan.blogspot.com/2010\\_07\\_01\\_archive.html](http://luisroldan.blogspot.com/2010_07_01_archive.html) (2)

In the meantime, the museum continued to receive claims to the remains of Chipitruz, Indio Brujo, Gherenal and Calfucurá. The latter, perhaps due to his status, has four claimants. The claims are being dealt with by the National Institute for Indigenous Affairs (INAI). Additionally, INAI is handling the claims for other human remains by the Aché (people) of Paraguay.

Controversy over the recognition of the ethnic and cultural pre-existence of indigenous peoples prompted new legislation. In late 2001, the Argentine Congress stated that "the remains of indigenous people, whatever their ethnicity, which are part of museums and/or public or private collections, should be made available to indigenous peoples and/or communities claiming the said human remains"<sup>4</sup>.

<sup>2</sup> The Native American Graves Protection and Repatriation Act (NAGPRA), Public Law 101-601, 104 Stat. 3048, is a United States federal law passed on 16 November 1990 requiring federal agencies and institutions that receive federal funding to return Native American cultural items and human remains to their respective peoples.

<sup>3</sup> Public Law 101-185, 20 November 1989.

<sup>4</sup> Law no. 25.517, 21 November 2001, Argentina, Indigenous Peoples Decree.

### Determination of the ethnic

Parental inbred offspring is related to the process of ethnic belonging that defines an 'ethnic group' as "a community biologically capable of reproducing, which shares common cultural characteristics" (JULIANO 1987, 85). Since 1990, NAGPRA has set up broad criteria for identification procedures determined by lineal descent and by cultural affiliations between today's tribes and the human remains, funerary objects, sacred objects, or cultural heritage objects in federal museums or collections or excavated, intentionally or unintentionally, in federal territories. The regulations are divided into: *Criteria for determining lineal descent* according to the tribe's traditional kinship system, or according to the legal descent system (these standards call for the ancient person to be identified as an individual from whom descent can be traced) and *Criteria for determining cultural affiliation*, which entails showing proof of the identity shared by today's indigenous tribe and the original community the objects belonged to. The act lists all the possible ways to substantiate affiliation, including the submission of documentation featuring distinctive designs used by that culture in their manufacturing or distribution methods. Substantiation may also include evidence based upon geography, kinship, biology, archaeology, anthropology, language, folklore, oral tradition, history, or other relevant information or expert opinion.<sup>5</sup>

### Pending decisions

Faced with a multitude of restitution claims and unable to accurately determine true ownership, it is advisable for museums or institutions to keep the remains or sacred objects in custody until the parties agree on who will receive them or until such decision is made by a court of law upon trial.

Currently, a great number of museums in Latin America have finished – or are in the process of – reorganizing 'human pieces to retribute' in order to prevent mistakes resulting from filing and cataloging errors.

A number of institutions related to these issues are trying to strike a balance between research scientific interests and acknowledgment of the natives, whose cultures (like any other) show religious and spiritual respect for the remains of their ancestors. NAGPRA, for example, considers the return of all remains claims legitimate "unless such items are indispensable for completion of a specific scientific study. Such items shall be returned to their tribes by no later than 90 days after the date on which the scientific study is completed"<sup>6</sup>. This, however, may lead to confusion since some remains or objects could take years to study, or not returning them might be justified by conducting permanent studies on them.

In the 1990s traditionally marginalized peoples, such as nationalist and indigenist groups expressed their opinions openly. Academics are being forced to consider ethical principles and the very foundations on which anthropological science has built its 'object of study' by appropriating fragments of humans and displaying them in exhibitions and museums.

The increase in the number of claims by different native communities for the restitution of their ancestors and the controversy over the removal of human remains from exhibition has led to arguments within scientific communities. Exhibition and captioning techniques are changing in line with the museum's educational role. As yet though, beyond recommendations by the codes of ethics of the various disciplines involved, laws banning the exhibition of human remains and the range of practices before death are scarce, if they exist at all. The International Council of Museums, for

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<sup>5</sup> By Public Law 101-185 of 1989, 800,000 objects which were part of the George Gustav Heye's Collection of the American Indian Museum in the city of New York were transferred to the Smithsonian Museum.

<sup>6</sup> Public Law 101-601, 16 November 1990; 104 Stat. 3055, b) Scientific Study.



Fig. 12 - Scientists examine the boy of Llullaillaco. Photo: MAAM Catalogue

example, recommends working with the consent of the parties. Accordingly the community to which the human remains belong to should be asked for their consent for the exhibition of such remains. Today, the Museum of La Plata complies with this recommendation.

At the Museum of La Plata, one of the oldest in the country, claims by native communities are considered and usually granted. In Argentina's Northern province of Salta, a new museum, MAAM (High Mountain Archeology Museum) was inaugurated in 2007. MAAM is devoted exclusively to the exhibition of the Inca children found in 1999, at an altitude of 5,200 meters (17,060 ft) on the Llullaillaco volcano. The bodies, a teenage girl of 15, a boy of 7 and a girl of 6, all with their respective trove, were frozen only 500 years ago. They are the tourist site's major attraction. However, the community the bodies belong to was not consulted in advance. They are asking for the removal of the remains

and sacred items from exhibition, as well as their restitution.<sup>7</sup>

### To whom does the past belong?

In every country, debates are taking place between members of the academic community who favor 'defending institutional property' and the descendents of indigenous people who claim for 'their property'.

#### UNESCO

United Nations position on the issue is formulated in article 12, part III, of its Declaration on the Rights of Indigenous People, which states:

"Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. The States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned."<sup>8</sup>

#### ICOM

The ICOM Code of Ethics (2004) especially refers to the handling of delicate cultural materials:

"Human remains and materials of sacred significance must be displayed in a manner consistent with professional standards and, where known, taking into account the interests and beliefs of members of the community, ethnic or religious groups from whom the objects originated. They must be presented with great tact and respect for the feelings of human dignity held by all peoples. Requests for removal from public display of human remains or material of sacred significance from the originating communities must

<sup>7</sup> The law 25.517 of 21 November 2001 was already taking effect, and it says: "It is established that, the human remains of the indigenous peoples and/or communities which are part of museums and/or public or private collections should be made available to indigenous peoples and/or communities claiming the said human remains."

<sup>8</sup> Adopted by General Assembly Resolution 61/295 on 13 September 2007.

be addressed expeditiously with respect and sensitivity. Requests for the return of such material should be addressed similarly. Museum policies should clearly define the process for responding to such requests.”<sup>9</sup>



Fig. 13 - Dra. Silvia Armentano, current director of the museum. Photo: M. Carmen Maza

Proponents of safeguarding museum property argue that remains and sacred objects might be the last evidence of extinct races (descendants have often merged their ancient culture into others, incorporating foreign elements). They say it would be detrimental for museums if they were to be extensively deprived of these bodies and sacred objects, as they demonstrate other cultures' customs and lifestyles, and facilitate education through observation.<sup>10</sup>

Would museums really be damaged if they were to be extensively deprived of bodies and objects? How are we to proceed when claims include demands for a percentage of the income institutions receive from selling tickets for exhibits of indigenous human remains? For some

institutions, the object claimed is the most attractive one in their collection, drawing the largest amount of visitors.

### Identity and integration

Returning human remains and cultural objects aims to enable indigenous people recover their identity by attaining autonomy in the handling of their own property.

Burial sites, in which bodies were surely placed amidst ceremonial rituals – renders the site, and the objects contained therein, sacred.

Today, the descendants of those remains are part of living cultures whose ancestors are not quite distant. Since the end of the *Conquest of the Desert* in 1884 until now, just over 100 years have elapsed, just two generations. Thus, publishing images of those bodies constitutes an invasion of privacy.

### Conclusion

The great challenge for museum and science professionals lies in generating harmonic cultural policies to bridge the gap between the desire for knowledge and respect for others and their views. Custody rather than property would be the key word to help museums face these social responsibilities.

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<sup>9</sup> ICOM, Code of Ethics for Museums, adopted in Buenos Aires in 1986, amended and revised in Barcelona in 2001 and in Seoul in 2004, § 4.3 and 4.4.

<sup>10</sup> Minutes of the 16<sup>th</sup> Ordinary Session of the Academic Council, La Plata, 27 October 1989.



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